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EXAMINER	
VAN HANDEL, MICHAEL P	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/991,025	OZER ET AL.	
	Examiner	Art Unit	
	Michael Van Handel	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26 and 32-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26, 32-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/08/2006 has been entered.

Response to Amendment

1. This action is responsive to an Amendment filed 9/08/2006. Claims **1-26, 32-44** are pending. Claims **21, 44** are amended. Claims **27-31** are canceled. The examiner hereby withdraws the objection to claim **44** in light of the amendment.

Response to Arguments

1. Applicant's arguments filed 9/08/2006 regarding the Zigmond et al. reference have been considered, but are moot in view of the new ground(s) of rejection.

Specifically, the examiner now relies upon a new Zigmond et al. reference (see Notice of References Cited).

2. Applicant's arguments filed 9/08/2006 with respect to claims **21** and **44** have been fully considered, but they are not persuasive.

Regarding claim **21**, the applicant argues that Carruthers et al. fails to teach or suggest weights, wherein the weight defines the display frequency of the advertisement to achieve the advertising impression goal. The examiner respectfully disagrees. As stated in the Office Action mailed 7/10/2006, Carruthers et al. discloses a master delivery plan, which specifies a prioritized master list of advertisements. The prioritized list identifies the order in which the advertisements are to be displayed, and this order is based upon priority and some weighting mechanism that indicates how many impressions are needed by each campaign (p. 3, paragraph 34). Carruthers et al. further discloses that the Delivery Manager can reorder or reprioritize the master list of scheduled advertisements based on delivery feedback data. To further illustrate this functionality, Carruthers et al. provides an example in which a goal for a campaign is to evenly distribute an advertisement over the course of a campaign length. If the advertisement gets ahead of its schedule, the advertisement can be moved down in the queue of advertisements to be displayed. If the advertisement falls behind in meeting its goals, it will be moved up in the queue of advertisements to be displayed (p. 3, paragraph 35). Thus, the examiner interprets the prioritizing and weighting mechanisms of Carruthers et al. as defining weights for advertisements, as claimed. The examiner acknowledges the applicant's argument that the "disclosure can only be reasonably interpreted as suggesting that weights are used ... to determine a preferred order of displaying advertisements, not the frequency for displaying the advertisement;" however, Carruthers et al. discloses reprioritizing and weighting an advertisement to move the advertisement ahead or behind in the queue *in order to meet a goal of evenly distributing the advertisement over the course of the campaign length* (italicized for emphasis). If an advertisement is ahead of its daily goals, it is being displayed at a greater

frequency than desired, whereas if it falls behind its daily goals, it is being displayed at a lesser frequency than desired. Since the frequency of displaying an advertisement is directly related to the number of times the ad has been shown over a given period of time, the examiner maintains that Carruthers et al. discloses weighting an advertisement so as to define the frequency at which the advertisement is displayed. Thus, the priority and weighting mechanism of Carruthers et al. meets the limitation "a step for defining a weight for the advertisement based upon the advertisement impression goal and the available advertising inventory, the weight defining the display frequency of the advertisement to achieve the advertising impression goal" as claimed.

Regarding claim **44**, the applicant argues that Carruthers et al. fails to teach or suggest that the advertisements are defined as absolute and relative advertisements, and particularly wherein the flexible advertisement is an advertisement that operates as a filler advertisement to be displayed when advertising inventory exists in excess of advertising utilized by the committed advertisement. The examiner respectfully disagrees. As stated in the Office Action mailed 7/10/2006, Carruthers et al. discloses an Inventory Manager that constructs a delivery plan based on the calculated goals of each of the active advertising campaigns (p. 3, paragraph 34). Each of the active advertising campaigns is based on an agreement between the schedule system operator and the advertiser specifying a delivery quantity to be achieved (p. 2, paragraph 23). The examiner interprets advertisements associated with these active campaigns to be committed advertisements as claimed, because the advertiser has a contract with the operator for the delivery of these advertisements, and the advertisement delivery order is based on how many impressions are needed by each campaign (p. 3, paragraph 34). Thus, the examiner interprets the priority and weighting mechanism associated with the advertisement delivery orders to be

associated with committed advertisements, as claimed. Carruthers et al. further discloses that the scheduler system provides a set of default or filler impressions to ensure that subscribers always have content to display (p. 5, paragraph 75). These impressions were not contracted for by an advertiser, therefore the examiner interprets these impressions to be flexible advertisements, as claimed. Since the filler impressions are only considered for delivery in comparison with the active campaigns, the examiner interprets these impressions to have weights relative to those of the active campaign.

The examiner acknowledges the applicant's argument that Carruthers et al. filler impressions do not correspond to advertising inventory that exists in excess of the advertising that is utilized by the committed advertisement and when there is other content available and that Carruthers et al. filler impressions only appears to apply when the user is not eligible for any active campaign and there is no content available for the user; however, the examiner respectfully disagrees. Carruthers et al. discloses a Capacity Forecaster 52 that reviews new campaigns and predicts whether their objectives are achievable in view of forecasted inventory of user screen real estate (p. 2, paragraph 23). It determines campaign achievability by examining the number of qualified subscribers who match the campaign's profile using a Local Matcher 72 (p. 3, paragraph 29). An Inventory Manager 51 generates a candidate plan to fulfill new and existing advertiser contracts in view of an agreement specifying the content to be delivered, delivery quantity (i.e., number of impressions), target subscriber group, and start and end dates (p. 2, paragraphs 23-25). The Inventory Manager 51 then constructs a master delivery plan for all approved campaigns (p. 2, paragraph 26 & p. 3, paragraph 32). When a subscriber logs on, an On-Demand Scheduler 70 calls a Local Matcher 72 to identify the advertisements the

subscriber is eligible for. This is achieved by matching the profile of the user to the profiles of advertisements in the prioritized master list generated by the Delivery Manager 54. The result is a list of advertisements for which the subscriber is eligible to receive (p. 3, paragraph 38). Thus, the examiner interprets this subscriber to represent available advertising inventory according to the specified profile constraints. Even though the subscriber has available screen real estate and matches the profile constraints, the subscriber may still be unable to view the advertisement. For example, if there has not been enough time between successive impressions of a given advertisement or a maximum number of impressions allowed is reached. If these constraints are not satisfied, the advertisement is ruled out (p. 3, paragraph 39). Thus, in response to the applicant's arguments regarding p. 5, paragraph 75, even if the subscriber were eligible for an active campaign, the advertisement is not necessarily displayed. Since Carruthers et al. discloses that the scheduler system ensures that subscribers always have content to display by providing filler impressions (p. 5, paragraph 75), the examiner maintains that Carruthers et al. suitably discloses "wherein a filler advertisement is an advertisement that operates as a filler advertisement to be displayed when advertising inventory exists in excess of advertising utilized by the committed advertisement," as claimed.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims **1**, **3-6**, **8-13**, **18-26**, **32**, **33**, **35-38**, **41**, and **44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Carruthers et al. in view of Zigmond et al.

Referring to claims **1** and **13**, Carruthers et al. discloses at a server computing system that is at least intermittently connected to a receiver computing system in a network, wherein the receiver computing system includes a receiver module that is at least intermittently connected to the network and, at least one processor, wherein the receiver computing system is configured to display advertisements associated with an advertising campaign on a display device, a method for scheduling the advertising campaign to achieve an advertising impression goal, the method comprising:

- a step for the server computing system receiving historical data at a planning module, the historical data representing a number and a type of a plurality of advertising impressions of advertisements viewed by one or more target viewers (p. 2, paragraph 22);
- a step for retrieving existing campaign data representing the number of the plurality of advertising impressions of the advertisements scheduled for future display to the one or more target viewers (p. 2, paragraph 23); and
- a step for combining the historical data and the existing campaign data to generate a schedule of available advertising inventory, the schedule usable by an advertiser to reserve advertising inventory of the available advertising inventory for the advertising campaign so that the advertising impression goal for the advertising campaign is achieved within the timeframe and among the one or

more target viewers selected by the advertiser (p. 2, paragraphs 24, 25, 26)(p. 3, paragraphs 27-35)(Figs. 1-3).

Carruthers et al. does not disclose that the server computing system receives the historical data in response to a receiver computing system performing the following steps:

- receiving advertising content and corresponding metadata at a receiver module of the receiver computing system, wherein the metadata includes target criteria that specifies when the advertising content should be selected for display;
- then, even when the receiver computing system is disconnected from the server computing system, selecting the advertising content for display by the receiver module based at least upon the metadata that was received when the receiver computing system was intermittently connected to the server computing system;
- displaying the advertising content on a display device connected to the receive computing system;
- the receiver computing system storing one or more records of historic advertising display data at the receiver module corresponding to advertisements that are selected by the receiver module for display and that are displayed by the receiver computing system; and
- the receiver computing system transmitting over the network to a control module at the server computing system the one or more records of advertising display data stored on the receiver module.

Zigmond et al. discloses periodically delivering a plurality of advertisements (p. 14, l. 19-22 & Fig. 5) with advertisement selection criteria indicating that an advertisement is to be shown

during a particular program (p. 17, l. 5-6 & p. 18, l. 3-13), selecting a stored advertisement according to the selection criteria, displaying the advertisement (p. 24, l. 29-31 & p. 25, l. 1-5), monitoring the viewer response to the advertisement (p. 25, l. 6-8), compiling the viewer response statistics, and reporting the statistics to the operator of the advertisement source (p. 19, l. 14-15 & p. 25, l. 12-16). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Carruthers et al. to include inserting a locally stored advertisement during a particular program and transmitting statistics about which advertisements have been seen to an operator of an advertising source, such as that taught by Zigmond et al. in order to provide a system for selecting advertisements at a more local level (Zigmond et al. p. 5, l. 10-12).

Referring to claim **3**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claim 1, further comprising a step for notifying an individual when the requested impression goal for the advertising campaign exceeds the available advertising inventory (Carruthers et al. p. 2, paragraph 25).

Referring to claim **4**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claim 1, further comprising a step for booking multiple advertising campaigns within the same timeframe and target, allowing the total advertising inventory to be split among these simultaneous campaigns according to various weights (Carruthers et al. p. 3, paragraphs 32-34).

Referring to claims **5** and **6**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claim 4, further comprising a step for overbooking one or more entries in the schedule of the available advertising inventory (setting a campaign goal that

exceeds available advertising inventory projections) and a step for resolving a conflict between the requested impression goal and the available advertising inventory (identifying and suggesting which constraints could be relaxed in order to achieve campaign goals)(Carruthers et al. p. 2, paragraph 25).

Referring to claims **8** and **18**, the combination of Carruthers et al. and Zigmond et al. discloses the method/computer program product as recited in claims 1 and 13, respectively, further comprising a step for defining the advertisements as either a committed advertisement or a flexible advertisement (In addition to creating active advertising campaigns, Carruthers et al. discloses providing a set of default or filler advertising impressions to be displayed when there is no content available for a given user)(Carruthers et al. p. 5, paragraph 75).

Referring to claims **9** and **19**, the combination of Carruthers et al. and Zigmond et al. teaches the method/computer program product as recited in claims 1 and 13, respectively, further comprising a step for weighting the advertisement, the weighting defining the frequency of display of the advertisement (Carruthers et al. p. 3, paragraphs 34, 35).

Referring to claims **10** and **20**, the combination of Carruthers et al. and Zigmond et al. teaches the method/computer program product as recited in claims 1 and 13, respectively, further comprising a step for adjusting the advertising type and weights of different campaigns at various times to avoid conflicts or overbooking before or during a scheduled campaign (this limitation is met by the citations noted in the rejection of claim 9 above).

Referring to claim **11**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claim 1, wherein the step for receiving historical data comprises a step for

receiving historical data from a control module remote from the planning module (Carruthers et al. p. 3, paragraph 29 & p. 4, paragraph 41).

Referring to claim **12**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claim 1, wherein the step for retrieving schedule data comprises a step for retrieving, from a control module, the schedule data, the control module being remote from the planning module (this limitation is met by the citation noted in the rejection of claim 11 above).

Referring to claims **21**, Carruthers et al. discloses a method for weighting scheduled advertisements in a system, including at least one processor, configured to schedule the display of an advertisement from an available advertising inventory of advertising impressions, the method comprising:

- a step for identifying one or more advertising impression goals for the display of advertisements in one or more advertising campaigns to at least one target viewer (p. 3, paragraphs 34, 35); and
- a step for defining an advertisement weight for an advertising campaign of the one or more advertising campaigns, the advertisement based upon the advertising impression goal and the available advertising inventory, and the weight defining the display frequency of the advertisement to achieve the advertising impression goal (p. 3, paragraphs 34, 35) and further being either an absolute weight (p. 3, paragraph 34) or a relative weight (p. 5, paragraph 73).

Carruthers et al. does not disclose that a receiver computing system, which receives the advertisement, interprets the weight of the advertisement based upon advertisements available to the receiver computing system that meet target criteria corresponding with current viewer

characteristics for committed and non-committed advertisements, respectively. Zigmond et al. discloses that ad selection criteria can be based on a guaranteed number of exposures that advertisers have paid for (p. 21, l. 5-6). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the client of Carruthers et al. to include ad selection criteria that can be based on a guaranteed number of exposures that advertisers have paid for, such as that taught by Zigmond et al. in order to provide advertisers with an improved system for directing advertisements to viewers (Zigmond et al. p. 5, l. 8-10).

Referring to claim **22**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claim 21, further comprising a step for identifying available advertising inventory from a total advertising inventory (Carruthers et al. p. 3, paragraph 39).

Referring to claim **23**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claim 21, further comprising a step for defining the advertisement as either a committed advertisement or a flexible advertisement (In addition to creating active advertising campaigns, Carruthers et al. discloses providing a set of default or filler advertising impressions to be displayed when there is no content available for a given user)(Carruthers et al. p. 5, paragraph 75).

Referring to claim **24**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claim 22, wherein the step for defining the weight comprises a step for defining the weight as either an absolute weight (Carruthers et al. p. 3, paragraph 34) or a relative weight (Carruthers et al. p. 5, paragraph 73).

Referring to claims **25**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claim 23, wherein the weight for the committed advertisement can be used as either an absolute weight or a relative weight (Carruthers et al. p. 5, paragraphs 72-73).

Referring to claims **26**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claim 22, wherein the weight for the flexible advertisement is a relative weight (the examiner notes that "filler" impressions are displayed when there is no content available to a user, and are therefore distinguished from the "needed" impressions of those advertisements on the master delivery plan)(Carruthers et al. p. 3, paragraph 34 & p. 5, paragraphs 73-74).

Referring to claim **32**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claim 21, wherein identifying an advertising impression goal for the display of an advertisement to at least one target viewer is part of an advertising campaign and wherein the advertising campaign is only one of one or more advertising campaigns (Carruthers et al. p. 2, paragraph 23), wherein the method further includes:

- a step for defining one or more target attributes for the one or more advertising campaigns, each advertising campaign of the one or more advertising campaigns comprising a unique combination of the one or more attributes (Carruthers et al. p. 2, paragraph 23 & p. 3, paragraph 29); and
- a step for defining a weight for each advertising campaign of the one or more advertising campaigns, the weight for each advertising campaign defining the display frequency of the advertisement associated with the advertising campaign

to achieve the advertising impression goal (Carruthers et al. p. 3, paragraphs 34, 35).

Referring to claim **33**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claim 32, wherein each of the one or more target attributes defines a dimension of a multidimensional storage structure (Carruthers et al. discloses that constraints defining targeted advertising could include increasing the campaign length, reducing the number of requested impressions, or relaxing the profile constraints. Each of these constraints meets the limitation of target attributes defining a dimension of a multidimensional storage structure)(Carruthers et al. p. 3, paragraph 29).

Referring to claims **35** and **36**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claim 32, wherein the step for defining the weight comprises:

- a step for defining an advertising impression goal for an advertising campaign of the one or more advertising campaigns;
- a step for identifying a total advertising inventory of advertising impressions for the unique combination of the one or more target attributes for the advertising campaign of the one or more advertising campaigns (Carruthers et al. p. 3, paragraph 28); and
- a step for calculating the weight for the advertising campaign based upon the advertising impression goal and the total advertising inventory (Carruthers et al. p. 3, paragraphs 34, 35).

Referring to claims **37** and **38**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claims 35 and 36, respectively, further comprising steps for

identifying a conflict between the advertising impression goal and a total available advertising inventory for the unique combination of the one or more target attributes for the advertising campaigns and adjusting the weight for the advertising campaign to resolve the conflict between the advertising impression goal and the total available advertising inventory (Carruthers et al. p. 3, paragraphs 34 and 35).

Referring to claim **41**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claim 36, further comprising a step for adjusting the advertising impression goal for a portion of the advertising campaign in conflict between the advertising impression goal and the total available advertising inventory (Carruthers et al. p. 2, paragraph 25).

Referring to claim **44**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claim 21, further comprising:

- a step for defining the advertisement as either a committed advertisement or a flexible advertisement, wherein the committed advertisement is an advertisement that an advertiser, which is independent of the receiver computing system, has committed to broadcasting as part of an advertising campaign, and wherein a flexible advertisement is an advertisement that operates as a filler advertisement to be displayed when advertising inventory exists in excess of advertising utilized by the committed advertisement (In addition to creating active advertising campaigns, Carruthers et al. discloses providing a set of default or filler advertising impressions to be displayed when there is no content available for a given user)(Carruthers et al. p. 5, paragraph 75).

3. Claims **2**, **7**, **14-17**, **34**, **39-40**, and **42-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Carruthers et al. in view of Zigmond et al. and further in view of Cannon.

Referring to claims **2** and **14**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claims 1 and 13, respectively. Carruthers et al. further discloses a Dynamic Campaign Manager component 50 that provides a portal to a system for advertisers to initiate and manage their advertising campaigns (p. 2, paragraph 22). The combination of Carruthers et al. and Zigmond et al. does not teach displaying a schedule of available advertising inventory to an advertiser via a graphical user interface. Cannon discloses a graphical user interface 125 that provides access to a database mining engine (DME) 126, 127, that provides an opportunity for a media planner to distribute advertisements over time or space based on actual or anticipated individual or collective advertising exposure (col. 28, l. 22-31). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Carruthers et al. and Zigmond et al. to provide an advertiser with a graphical user interface such as that taught by Cannon in order to provide a more effective system for scoring, comparing and optimizing advertising campaigns for advertising agencies (col. 3, l. 21-25).

Referring to claims **7** and **17**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claims 1 and 13, respectively. Carruthers et al. further discloses targeting subscriber groups (p. 2, paragraphs 23, 29, 39). The combination of Carruthers et al. and Zigmond et al. does not teach that each target viewer be defined by at least one of advertisement location data, market area data, demographic data, geographic data, time data, date data, and data indicative of a time interval that the advertisement is active. Cannon discloses

defining a target viewer by elements surrounding the advertisement (col. 42, l. 50); the viewer's territory and demographics (col. 30, l. 32-36); and time and date data (col. 30, l. 40-43). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Carruthers et al. and Zigmond et al. to target viewers according to elements surrounding an advertisement, a viewer's territory and demographics, and time and date data, such as that taught by Cannon in order to provide a more effective system for scoring, comparing and optimizing advertising campaigns for advertising agencies (col. 3, l. 21-25).

Referring to claim **15**, the combination of Carruthers et al., Zigmond et al., and Cannon teaches a computer program product as defined in claim 14, wherein the computer readable medium further carries computer executable instructions for performing the step for notifying an individual utilizing the planning module when the requested impressions of one or more advertising campaigns exceeds the available advertising inventory (this limitation is met by the citation noted in the rejection of claim 3 above).

Referring to claim **16**, the combination of Carruthers et al., Zigmond et al., and Cannon teaches a computer program product as defined in claim 14, wherein the computer readable medium further carries computer executable instructions for performing the step for overbooking one or more entries in the schedule of the available advertising impressions (this limitation is met by the citation (this limitation is met by the citation noted in the rejection of claim 5 above).

Referring to claim **34**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claim 32. The combination of Carruthers et al. and Zigmond et al. further teaches targeting subscriber groups (Carruthers et al. p. 2, paragraphs 23, 29, 39). The combination of Carruthers et al. and Zigmond et al. does not teach that each target viewer be

defined by at least one of advertisement location data, market are data, demographic data, geographic data, time data, date data, and data indicative of a time interval that the advertisement is active. Cannon discloses defining a target viewer by elements surrounding the advertisement (col. 42, l. 50); the viewer's territory and demographics (col. 30, l. 32-36); and time and date data (col. 30, l. 40-43). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Carruthers et al. and Zigmond et al. to target viewers according to elements surrounding an advertisement, a viewer's territory and demographics; and time and date data, such as that taught by Cannon in order to provide a more effective system for scoring, comparing, and optimizing advertising campaigns for advertising agencies (col. 3, l. 21-25).

Referring to claims **39** and **43**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claim 37. The combination of Carruthers et al. and Zigmond et al. further teaches changing the priority of an advertisement in order to meet a campaign goal (Carruthers et al. p. 2, paragraphs 34, 35). The combination of Carruthers et al. and Zigmond et al. does not teach a step for adjusting a weight on a per attribute basis or adjusting a weight to resolve the conflict between an advertising impression goal and the total available advertising inventory. Cannon discloses five distinct indices that are scored and combined in order to generate an optimum advertising plan or schedule (col. 34, l. 15-33). Cannon further discloses making incremental modifications to a schedule to more closely meet media objectives (col. 31, 60-65), such as by generating an optimum advertising plan from demographic data, while excluding advertising spot timing (col. 34, l. 30-41). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of

Carruthers et al. and Zigmond et al. to include distinct indices that are scored and combined in different combinations to generate an optimum advertising plan such as that taught by Cannon in order to provide a more effective system for scoring, comparing and optimizing advertising campaigns for advertising agencies (col. 3, l. 21-25).

Referring to claims **40** and **42**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claim 37. The combination of Carruthers et al. and Zigmond et al. does not teach a step for adjusting a weight, comprising:

- a step for separating the advertising campaign into a plurality of sub-advertising campaigns and a sub-advertising impression goal;
- a step for adjusting the sub-weight/sub-advertising impression goal of one or more of the plurality of sub-advertising campaigns so that the sub-advertising impression goal of the sub-advertising campaign is equal to or less than the total available advertising inventory for the sub-advertising campaign; and
- a step for verifying that the aggregate of all sub-advertising impression goals is substantially equal to the overall advertising impression goal of the advertising campaign.

Cannon discloses summing advertising index scores into individual subtotals (the examiner notes that targeting an individual according to index scores meets the limitations of a "sub-advertising campaign")(col. 67, l. 45-55), optimizing an advertising plan according to characteristics of each person (this meets the limitation "each sub-advertising campaign comprising a sub-weight")(col. 67, l. 30-45)(Fig. 41), and valuing certain amounts of exposures, frequency of exposures, and timing of exposures more than others, thereby optimizing an

advertising schedule (this meets the limitation of a "sub-advertising impression goal)(col. 67, l. 9-29)(col. 68, l. 45-64)(Fig. 35). Cannon further discloses identifying targeted groups that are over-exposed to advertisements, identifying spots to which the group is collectively exposed, and eliminating them from the schedule during the optimization process (this meets the limitations of "adjusting the sub-weight/sub-advertising impression goal so that the sub-advertising impression goal of the sub-advertising campaign is equal to or less than the total available advertising inventory for the sub-advertising campaign.")(col. 60, l. 30-33). Lastly, Cannon discloses computing the total value of an audience to an advertiser, the value of which is used by the advertiser to optimize an advertising plan or schedule for a target group (col. 63, l. 16-20)(col. 62, l. 56-67). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Carruthers et al. and Zigmond et al. to include steps for summing advertising index scores into individual subtotals, optimizing an advertising plan and schedule according to the characteristics of each person, eliminating targeted groups during the optimization process, and computing the total value of an audience to an advertiser, such as that taught by Cannon in order to provide a more effective system for scoring, comparing and optimizing advertising campaigns for advertising agencies (col. 3, l. 21-25).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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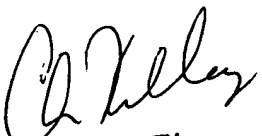
MVH



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